

Lewis E. Byrd, III,
Plaintiff,

v.

Brandon Arnez,
Defendant.

DOC NO CASE NO. 17-CV-191-JDP
REC'D/FILED

2018 JAN -4 AM 9:42

PETER OPPENHEIM
CLERK US DIST COURT
WD OF WI

Plaintiff's Brief in Reply

1) MR. Byrd can not prove that ~~his~~ convictions have been reversed on direct appeal, expunged ect. Because the appeal is still pending. MR. Byrd's case is being handled by the court of appeals and he has appellate attorney assigned to him from the public defenders office in madison. MR. Byrd cannot prove any of the above because the case is still on-m.

MR. Byrd stopped and pulled over for police thus stopping any chase alleged. Then MR. Byrd was being shot at by Defendant Arnez. which put MR. Byrd in a fight or flight response. Byrd at this point had no other choice in order to survive this attack from Defendant Arnez but to flee the attack. MR. Byrd's vehicle was severely damaged after being rear ended by Krugers squad that on MR. Byrd's "attempt" to not be killed he was only able to get his vehicle to roll down a hill to safety.

Defendants failed to provide any reports from medical proving any injury to Kruger or any one "other" than MR. Byrd. MR. Byrd's injuries were so serious that MR. Byrd is scheduled to have an elbow replacement surgery done in the very, very near future.

3) It is common knowledge that Defendant Arnez is no longer a police officer with the Hillsboro police Department. He quit because of the officer involved shooting. There was no immediate threat where Defendant Arnez needed to use Deadly Force. The people at the Tractor pull Defendant says he was trying to protect were over 5 miles away. There was no "immediate" threat. Defendant Arnez did not have to use excessive force to arrest Mr. Byrd. Mr. Byrd complied with the officers orders by raising his hands in the air and getting on his knees. Defendant Arnez did not need to break Mr. Byrds arm in order to get Mr. Byrd to comply.

Conclusion

Defendants motion for summary Judgment should be denied. It is clear cut that Defendant Arnez used Excessive Force when handcuffing Mr. Byrd and breaking Mr. Byrds arm and that Defendant Arnez use excessive force when shooting at Mr. Byrd eleven times and Defendant claims that he was protecting a group of people at a tractor pull 5 miles away from the Hillsboro equiptment where the shooting of Mr. Byrd took place. There was clearly no "immediate" threat to any of the people.

Dated: December 29, 2017

Lewis E. Byrd III
 Lewis E. Byrd